

Message Text

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ACTION L-02

INFO OCT-01 EA-06 ISO-00 SNM-02 JUSE-00 SCA-01 RSC-01 /013 W

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P 271223Z NOV 74

FM AMEMBASSY BANGKOK

TO SECSTATE WASHDC PRIORITY 8707

INFO HQS DEA WASHDC

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HQS DEA FOR CUSACK/EOI

E.O. 11652: N/A

TAGS: SNAR, TH

SUBJ: EXTRADITION--OLSEN, MA ET AL

REF: (A) STATE 260567

(B) STATE 258266

(C) STATE 254107

(D) STATE A-8682

(E) BANGKOK 18554

(F) BANGKOK 18403

SUMMARY: A THIRD PERSON DIPLOMATIC NOTE WAS DELIVERED TO THE MINISTRY OF FOREIGN AFFAIRS (MFA) ON NOVEMBER 24 REQUESTING PROVISIONAL ARREST OF THE FOUR SUBJECTS. ON NOVEMBER 27 A SECOND DIPLOMATIC NOTE, TRANSMITTING THE INDICTMENTS, WAS DELIVERED TO MFA. THE DECISION TO EXTRADITE IS NOW UP TO THE COURTS.

1. AS REQUESTED IN REF (B), EMBASSY DELIVERED A THIRD PERSON DIPLOMATIC NOTE TO THE MINISTRY OF FOREIGN AFFAIRS (MFA) ON SUNDAY NOVEMBER 24, REQUESTING THE PROVISIONAL ARREST WITH THE AIM OF EXTRADITION TO THE UNITED STATES FOR TRIAL OF MA SSU TS'UNG, TONY MA, ANAKE YENSOOKSAKUL, AND ERNST OLSEN. THE INDICTMENTS CONTAINED IN REF (D) WERE TRANSMITTED TO THE MFA WITH A COVERING THIRD PERSON DIPLOMATIC NOTE ON NOVEMBER 27. TO DATE, THERE HAS BEEN NO RESPONSE FROM MFA. (COMMENT: NO REFERENCE WAS MADE TO THE U.S.-THAI
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EXTRADITION TREATY IN THE EMBASSY'S TWO NOTES TO THE MFA.

SINCE THE TREATY DOES NOT COVER NARCOTICS. IT WAS DECIDED THAT DIRECT MENTION OF THE TREATY WOULD RESULT IN THE RTG REJECTING THE REQUEST WITHOUT FURTHER CONSIDERATION.)

2. A FORMAL REQUEST FOR PROVISIONAL ARREST WAS MADE BY DEA TO POLICE GENERAL PRACHUAP SUNTHARANGKUN, DIRECTOR GENERAL OF THE THAI NATIONAL POLICE DEPARTMENT, ON NOVEMBER 22 (REF F). LATER ON THE SAME DAY, POLICE COLONEL CHAWALIT YOTMANI, DEPUTY SECRETARY GENERAL OF THE CENTRAL NARCOTICS BOARD, ORALLY INFORMED DEA THAT PROVISIONAL ARREST WAS NOT POSSIBLE WITHOUT THE INDICTMENTS. CHAWALIT SAID THE INDICTMENTS WOULD HAVE TO GO FIRST THROUGH THE MFA AND MINISTRY OF INTERIOR. THEY THEN WOULD BE TRANSLATED BY THE POLICE NARCOTICS SUPPRESSION CENTER FOR PRESENTATION TO THE PUBLIC PROSECUTOR. THE PUBLIC PROSECUTOR MUST DETERMINE WHETHER TO FILE THE CASE WITH THE COURT. NO ARRESTS CAN BE MADE WITHOUT A COURT ORDER. CHAWALIT ADDED, "THIS IS NOT A QUICK PROCESS."

3. IN ANOTHER CONVERSATION WITH COLONEL CHAWALIT ON NOVEMBER 25, AN EMBASSY OFFICER NOTED THAT THE EMBASSY HAD DELIVERED A DIPLOMATIC NOTE TO THE MFA REQUESTING THE PROVISIONAL ARRESTS. CHAWALIT AGAIN SAID THAT NO ACTION WAS POSSIBLE WITHOUT THE INDICTMENTS. WHEN THE EMBASSY OFFICER MENTIONED THAT PROVISIONAL ARREST WITHOUT INDICTMENTS ON HAND WAS POSSIBLE UNDER THE U.S.- THAI EXTRADITION TREATY, CHAWALIT REPLIED THAT THE TREATY DOES NOT COVER NARCOTICS AND DOES NOT APPLY IN THIS CASE. IN A FRONT PAGE ARTICLE IN THE NOVEMBER 23 EDITION OF THE BANGKOK POST, COLONEL CHAWALIT WAS QUOTED AS MAKING THE SAME POINT ON THE NEED FOR "EVIDENCE." THE ARTICLE ALSO REPORTS CHAWALIT AS SAYING THAT "THE POLICE AND OTHER NARCOTICS AUTHORITIES ARE CAREFULLY CONSIDERING WHETHER THE EXTRADITION COULD BE DONE IN ACCORDANCE WITH THE LAWS."

4. REF (E) INDICATES THAT OLSEN LEFT THAILAND ON NOVEMBER 4 ON A COMMERCIAL VESSEL, THE SHASTEEN MAERSK, WHICH IS DUE TO ARRIVE PANAMA ON DECEMBER 5.

5. COPIES OF THE TWO NOTES TO MFA AND THE DEA REQUEST TO GENERAL PRACHUA ARE BEING POUCHED.

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6. AMBASSADOR'S COMMENT: OUR CONTACTS WITH MFA INDICATE THAT, WHILE EXTRADITION IS LEGALLY POSSIBLE IN THIS CASE, THE DECISION TO EXTRADITE IS UP TO THE COURTS. THE THAI JUDICIARY HAS BEEN UNUSUALLY IMPERMEABLE TO OUTSIDE INFLUENCE FROM OTHER PARTS OF THE BUREAUCRACY, EVEN DURING PERIODS OF STRONG MILITARY RULE. I HAVE PERSONALLY RAISED THE EXTRADITION QUESTION WITH THAI OFFICIALS WHO HAVE INDICATED THAT CHANCES FOR IT ARE HIGHLY PROBLEMATIC. WHILE EXTRADITION COULD

OCCUR,ANY U.S. PRESSURE IN THAT DIRECTION COULD PRODUCE
RESULTS OPPOSITE FROM WHAT WE ESPOUSE.
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Message Attributes

Automatic Decaptioning: X
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Channel Indicators: n/a
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Control Number: n/a
Copy: SINGLE
Draft Date: 27 NOV 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: boyleja
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
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